

# REGIONAL SEMINAR ON THE ROLE OF PARLIAMENTS IN NATIONAL RECONCILIATION PROCESSES IN ENGLISH-SPEAKING AFRICA

Organized jointly by the Parliament of Sierra Leone and the Inter-Parliamentary Union (IPU)

Sierra Leone, 23-25 June 2008

Bintumani hotel



Parliament of Sierra Leone



Inter-Parliamentary Union

## SUMMARY AND RECOMMENDATIONS PRESENTED BY THE RAPPORTEUR OF THE SEMINAR

### Mr. John Olago-Aluoch, Member of the National Assembly of Kenya

At the invitation of the Parliament of Sierra Leone and the Inter-Parliamentary Union, we have discussed issues of fundamental importance to Africa at this regional seminar, which is the first activity of a two-year project of the Inter-Parliamentary Union to strengthen the role of parliaments in English-speaking African countries in promoting inclusive political processes, institutional reform and reconciliation.

Reconciliation as a process is highly complex and involves many different aspects, contexts, stages and actors. While conflicts may vary from country to country, their causes are often related to the exclusion of large segments of society from the political process, social and economic inequalities and bad governance. Where countries possess important natural resources, their mismanagement has also been referred to as a particular trigger for violence. Participants have repeatedly stressed that reconciliation is not an event but a healing process which affects the lives of several generations. Perseverance is therefore essential.

The role of parliament is crucial in this respect as it adopts legislation on reconciliation, oversees the executive branch when it comes to implementation and can help to create effective institutions of governance. Moreover, an effective parliament itself is a clear sign to the people that the democratic order which broke down during a conflict is being mended and that there is reason to place one's trust again in the country's public institutions. Thanks to their direct contact with constituents, members of parliament, rather than the government, are ideally placed to initiate, lead and help implement the conclusions of a national debate on reconciliation, and to act as role models in promoting the values of tolerance and advocating the resolution of conflict through peaceful means. When parts of our countries are in crisis, a joint visit to the region by parliamentarians from the majority and the minority can be crucial to ease tensions. A strong case has therefore been made for encouraging parliament's involvement in reconciliation processes in our countries and for material and other assistance to be extended to them.

We have had a very lively debate about the role of women and the need for a gender sensitive approach to the challenges that post-conflict societies face. We certainly all agree that the inclusion of women in reconciliation processes is a must as any process that excludes half of the population lacks democratic credibility and that it is a woman's right to have a say in the future of her country. Such inclusiveness is also essential to prevent frustration and to ensure that women and men work together to address concerns that relate specifically to women. It has been said that the aftermath of conflict can work as a catalyst for reform to strengthen the

role of women in the political arena. Special mention has been made of Liberia, which is led by the first elected African female Head of State and where women are now a critical part of post-conflict reconstruction. That said, in many countries a number of barriers continue exist to women's inclusion in reconciliation efforts, such as their limited representation in parliament and other state institutions and the insufficient consideration of women's needs and conflict experiences. Our parliaments have a clear role to play in removing these barriers, which requires the education of both men and women. In our pursuit for inclusiveness we should also not forget to include our youth who are often in a precarious situation due to high levels of unemployment. We have taken note with particular interest of Sierra Leone's experience with youth involvement in the political process. In this regard we have been pleased to learn of the existence of a youth caucus in parliament and plans to foster regional co-operation between parliamentary youth caucuses. We encourage such initiatives as part of our common endeavour to cope with public disenchantment with political institutions and processes.

We have spent a large part of the seminar discussing the use of transitional justice mechanisms. No doubt, a truth commission, as one such mechanism, can make an essential contribution in post-conflict situations by charting the path to peace through truth-telling, accountability, reconciliation and recommendations for institutional reform. Nevertheless, the success of such commissions is certainly not guaranteed from the outset. Given their often limited lifespan and financial and human resource-constraints, they often come up against formidable challenges. It is crucial to ensure that their creation is a nationwide endeavour and that realistic expectations are created about what they can achieve. Their work should be seen as a long-term process, as it provides not only an analysis of the past but also a window to the future by issuing clear recommendations for rebuilding society and state institutions. It is essential that a time-line be in place for their implementation and that a follow-up mechanism be established. They also need to be properly resourced. The contribution of the international community is crucial in this regard.

We have heard about the need to establish appropriate reparation policies as part of a larger process of change that should include social and economic development of our countries in order to reduce frustrations. It was mentioned that reparation should not only be provided to the direct victims or their families. When a country is in conflict, most of the population, if not all of it, is affected. While material reparation is important, symbolic reparation is crucial to ensure that the "memory" of the past stays alive, including by setting up memorials for victims and by including adequate presentation of their suffering in educational tools. The goal is "to forgive, but not forget".

We have dealt substantively with the controversial issue of amnesties, which sits at a crucial crossroads of questions of immense moral, political and legal complexity. While amnesties continue to be adopted in post-conflict situations, their legality is increasingly in doubt. Clearly, blanket amnesties will lack international recognition and may not be enforceable. However, there are more "palatable" amnesties which are conditional and limited and rule out the most serious international crimes. Often the question however is not so much about whether or not to adopt an amnesty law, but rather about how to build an approach to national accountability that fits a specific post-conflict situation.

When a country does decide to prosecute the perpetrators of abuses, a number of challenges may arise. In post-conflict situations, the justice system is often poorly equipped to fulfill its role. This situation is often compounded by the magnitude of the violations which makes it impossible for the ordinary justice system to respond. In such a situation, prosecuting alleged perpetrators may lead to further violations of human rights in so far as the prospect of their speedy trial is very slim. Moreover, all too often, judges are poorly trained, and corruption

may thwart any prospect of true and impartial justice. A thorough reform of the justice system, including with respect to the particular concerns and issues related to women and youngsters, is therefore frequently one of the main priorities for post-conflict societies. Guarantees need to be in place to ensure the right of defence. Safeguards are needed to ensure that the courts are indeed independent and that their composition and work leave no doubt about their impartiality: "Justice must not only be done: it must be seen to be done."

The pursuit of justice also raises another important question. Where should it take place? Should prosecutions and trials be led by national courts, or should the International Criminal Court or a hybrid national-international tribunal be entrusted with this task? In principle, a justice system which is close to those whom it is meant to serve is preferable. This is not only a question of geographical distance, but also of cultural proximity to the context in which the violations took place. In this respect, several participants have also referred to the importance of traditional justice mechanisms, such as cleansing in northern Uganda and the gacaca system in Rwanda. They have also discussed the important role of traditional chiefs/rulers in dispensing justice as well as promoting reconciliation as a whole. Often the national justice system is very weak, and cannot live up to its responsibility to dispense justice. In such situations, involving the International Criminal Court may be an option. However, several of the participants have raised the issue of perceived double standards in the international justice system. A mixed national-international court, if it takes in the advantages of both domestic and international justice mechanisms, can be an interesting alternative as shown by the Special Court for Sierra Leone. It helps to build capacity and enrich the national justice system.

Security-sector reform should be a key element of any reconciliation process. It is crucial to embed the security sector in a democratic structure and to provide it with a clear mission commensurate with accountability to promote the broad concept of human security in which the safety and protection of individuals and communities take centre stage. Moreover, the army, police and other state forces need to be inclusive, and their membership needs to reflect the composition of society. It is equally important that security sector officers be inculcated with the principles of human rights. Parliament has a significant role to play in this regard in the areas of legislation, in particular in the adoption of the defence budget and in overseeing the government.

We have also spoken of the role of the international community in national reconciliation processes. Most post-conflict societies lack the necessary human and material resources to initiate substantive reconciliation efforts. The contribution of the international community can therefore be extremely useful as a source of finance and expertise in bringing local and regional actors together and in facilitating homegrown reconciliation processes. The role of the international community is not to impose but to facilitate and coordinate.

We have ended our deliberations today with an in-depth analysis of the national context against which each of our countries have faced moments of crisis or violence and what concrete role our parliaments have played to promote reconciliation and institutional and political reform in Ghana, Kenya, Liberia, Sierra Leone, Somalia and Sudan.

The enriching country presentations have underlined that Parliament has enormous potential to bring people closer and, if managed well, can be an important vehicle for political mediation and action and for the equitable allocation of resources to address the needs of the population. At the same time, they have also brought home that in many post-conflict or crisis situations, its capacity to overcome the enormous difficulties brought about by reconciliation is generally limited, all the more so as it is often confronted with the dominance of the executive

branch of government. This situation is compounded by a lack of human and financial resources. Another major challenge is that post-conflict parliaments may be composed of the very actors to the conflict. It is therefore important to promote a culture of tolerance and compromise in parliament. Political parties are also requested to educate their members and democratize international processes that foster inclusiveness and reduce the scope for frustration.

We are very much committed to continue our efforts to address these challenges and believe that this regional seminar is an excellent starting point for more tailored debate and action at the national level to strengthen the role of our parliaments in promoting inclusive political processes, institutional reform and reconciliation.

We have stressed the links between reconciliation and post conflict reconstruction and development. Reconciliation should help to create the conditions that allow for development. Indeed, there is an urgent need for the people to reap the dividends of peace and reconciliation.

We are grateful to the Parliament of Sierra Leone, which has spared no effort in making this regional seminar a success, and express our full support to working with the Inter-Parliamentary Union by organizing joint national seminars aimed at examining the specific circumstances of our countries and the adoption of action plans to address specific challenges in the area of reconciliation and institutional reform.

We therefore go back to our countries with a renewed sense of commitment as we seek together to bring parliaments to the centre stage of reconciliation processes in Africa.